

July 30, 2012

MHDS Commission input to July 31, 2012 Transition Workgroup

As MHDS Redesign proceeds, the Transition Workgroup consultative role to the MHDS Commission is essential to successfully meeting rule making timelines. In collaborative spirit, the MHDS Commission respectfully requests review and consideration to the topics/issues below:

The rules are likely to take shape in the form of definition reflecting words and/or phrases as shown below in section 23 of SF 2315 as underlined and in red ink.

In an effort to create definitions, clearly understanding **legislative intent** specific to the following is necessary:

- a. Core services – what is meant by core services & once determined, expectations for core plus implementation?
- b. Target populations – the Redesign efforts focus primarily on mental health and intellectual disabilities. Despite the authorization in some county management plans for brain injury and developmental disabilities, are these two diagnostic categories considered target populations?
- c. Independently verified applications – this measure must be reasonable in order for counties to successfully meet definition such as an independent CPA review.
- d. Sustainability plan – perhaps impacting counties reducing to meet the new per capita rate.

The MHDS Commissions recommends-

- review of the "Risk Pool" rules as a means of offering safety net support to counties/regions falling short. These rules might offer solutions to this period of transition.
- consideration of costs associated with settling specific to the transition from legal settlement to residency. This transition is likely to have significant impact upon regions.
- consideration and review of access issues to services available in a region due to transportation.
- consideration of infrastructure development and costs.
- review and consideration of **unintended consequences** of MHDS Redesign
 - Medicaid eligibility procedures- this often takes as long as 8 months to a year as it is dependent upon the Social Security Administration, so moving from county funded services to Medicaid isn't a realistic option in all circumstances
 - Persons moving out of RCFs or RCFs with vacancies
 - The loss of service options such as sheltered work and RCF without adequate transition planning for individuals impacted
 - Counties holding state bills due to cash flow issues
 - Persons in need of services denied as a result of the definition of 150% poverty
 - Lack of data prohibits a true understanding of the scope of service needs

The MHDS Commission advocates retaining the level of service and strives to resolve all measures of service reduction. As service delivery systems are reformed, it is essential the transitions of persons served be supported by appropriate individualized planning and necessary resources.

Sec. 23. MENTAL HEALTH AND DISABILITY SERVICES REDESIGN TRANSITION FUND.

1. A mental health and disability services redesign transition fund is created under the authority of the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013. Moneys credited to the fund shall be used as provided in appropriations made from the fund, to be enacted by the general assembly, for allocation by the department to counties for one-time assistance for continuation of current core county mental health and disability services to targeted populations that are not funded by the Medicaid program.

2. The eligibility provisions for a county to receive moneys from the fund shall include but are not limited to all of the following:

a. The application and application materials submitted are approved by the county board of supervisors.

b. The county levy certified for the county's services fund under section 331.424A for the fiscal year is the maximum amount authorized by law.

c. The county financial information provided with the application is independently verified. The financial information to be provided shall be specified by the department and may include actual and projected cash and accrued fund balances, detailed accounts receivable and payable information, budgeted revenues and expenditures, identification of the need for the amount requested, and costs for the county's services administration.

Comment [SS1]: Reasonable threshold so counties can achieve -

d. The required county service information is provided with the application. The county service information to be provided shall be specified by the department and may include the following:

(1) The type, amount, and scope of services provided by county as compared with other counties.

(2) The extent to which the county subsidizes the services directly provided or authorized by the county.

(3) The extent to which the services funded by the county are included in the county's management plan approved under section 331.439.

(4) The extent to which services are provided to persons other than adults with an intellectual disability or mental illness with income that is at or below 150 percent of the federal poverty level.

Comment [SS2]: Data collection point

e. The application contains a sustainability plan in accordance with the requirements specified by the department. The requirements shall include but are not limited to explanation as to how the moneys requested will be used during this transition year to provide services in a manner that will allow the county to remain within the funding available to the county under per capita funding provisions, applicable to the county as enacted by this Act, commencing with the fiscal year beginning July 1, 2013.

Comment [SS3]: \$48.28

f. The application is submitted on or before the specified application date. The initial application date specified shall be on or after October 15, 2012. The department shall complete the application process and make a recommendation by December 1, 2012, to the governor and general assembly for an appropriate amount of funding to meet the need for assistance under this section as determined by the department's analysis of the applications, which amount may be addressed by an appropriation by the Eighty-fifth General Assembly, 2013 Regular Session.

g. Other items specified by rule. The department shall consult with the transition committee created by this division of this Act in recommending the adoption of rules by the mental health and disability services commission delineating the requirements for funding under this section.

3. The department may provide for distribution provisions in which the amount awarded is distributed in more than one payment based upon actual expenditures and submission of required information.

4. The mental health and disability services commission may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this section, and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this subsection shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this subsection, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this subsection shall also be published as notice of intended action as provided in section 17A.4.